

**TOWN OF ARCHER LODGE**  
**LIST OF ORDINANCE OFFENSES PUNISHABLE AS**  
**A MISDEMEANOR**  
**SESSION LAW 2018-69**  
**04-22-2019**

**Flood Damage Prevention Ordinance**

**Sec. 14-13. - Penalties for violation**

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established about grants of variance or special exceptions, shall constitute a Class 1 **misdemeanor** pursuant to G.S. § 143-215.58. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Archer Lodge from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. AL2018-06-1, 6-4-2018)

**Sec. 14-47. - Duties and responsibilities of the floodplain administrator.**

(16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a **misdemeanor**. (Ord. No. AL2018-06-1, 6-4-2018)

**Sec. 14-48. - Corrective procedures. (e)**

*Failure to comply with order* . If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 **misdemeanor** pursuant to G.S. § 143-215.58 and shall be punished at the discretion of the court. (Ord. No. AL2018-06-1, 6-4-2018)

## Zoning

### Sec. 30-25. - Penalty.

(a)

*Violations.* Whenever, by provisions of this article, the performance of any act is required, or the performance of any act is prohibited, or whenever any regulation or limitation is proposed on the use of any land, or on the erection, alteration, or the use or change of use of a structure, a failure to comply with such provisions shall constitute a violation of this article.

(b)

*Liability.* The owner, tenant, or occupant of any land or structure, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any such situation that is contrary to the requirements of the above mentioned chapters, may be held responsible for the violation and be subject to the penalties and remedies provided in subsection (d)(1) of this section, civil penalties.

(c)

*Procedures upon discovery of violations.* Upon the determination that any provision of the above mentioned chapters is being violated, the zoning administrator shall deliver a written notice by personal service, registered or certified mail, return receipt and first class mail, to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the zoning administrator's discretion. The final written notice, which may also be the initial notice, shall state possible sanctions if the violation is not corrected, and shall advise that the zoning administrator's order may be appealed to the board of adjustment as provided in [chapter 2](#), article II, division 2.

(d)

*Penalties, remedies, and recovery of administration costs.*

(1)

Civil penalties. Any act constituting a violation of any provision of the above mentioned chapters shall subject the offender to a civil penalty of \$150.00. If the offender fails to pay the penalty within ten days of receiving final written notice of a violation, the penalty may be recovered by the town in a civil action in the nature of a debt. A civil penalty may not be appealed to the board of adjustment if the offender received a final written notice of violation and did not appeal to the board of adjustment within 45 days of the receipt of the written notice. Each day that any violation continues after receipt of the final written notice of such violation shall constitute a separate violation and separate offense for the purposes of the penalties and remedies specified in this section. The town may hold or revoke the issuance of any town permit for land or building or structure which requires or has received a certificate of occupancy, and is being maintained in violation, or is directly impacted by a violation of this article, such violation is deemed to be an applicable ordinance pursuant to section 309.1 of the state building code and no certificate of occupancy may be issued until the violation is corrected.

(2)

Civil citations. The zoning administrator and any town employee designated by the town council as having authority to assess civil penalties under this article are hereby empowered to issue civil citations upon the observance of a violation of the above mentioned chapters. The minimum civil penalties for violation of the above mentioned chapters shall be as follows:

a.

*Restitution of damages.* The town may seek restitution of damages or extra expenses including the cost of cleanup, resulting from any violation of the above mentioned chapters. The minimum charge for cleanup will be \$25.00. Actual charges will be determined by the zoning administration or authorized personnel.

b.

*Monetary penalties.* The minimum civil penalties for violation of this article shall be as follows:

1.

First offense: \$150.00.

2.

Second offense: \$150.00.

3.

Subsequent offenses: \$150.00.

(3)

In addition to any civil remedies set out in this section the town, in its sole discretion, may seek, as an alternative and/or additional relief the recovery of its actual investigative cost where:

a.

The person responsible for the violation has received at least one notice of violation prior to the enforcement action in which investigative cost is being sought;

b.

Those administrative costs are determined to be greater than \$500.00.

(4)

In the event a violation of the above mentioned chapters is determined to exist by a court of competent jurisdiction, the person subject to the enforcement action taken by the town shall be liable for the town's reasonable attorney's fees and court costs in accordance with state law.

(5)

Civil penalties may be appealed to the board of adjustment as an administrative appeal. (Ord. of 11-14-2013, § 14-7)

**State Law reference—** Violation of local ordinances **misdemeanor**, G.S. [14-4](#); enforcement of ordinances, G.S. 160A-175.

### **Sec. 30-243. - Signs exempt from permit requirements.**

b. Penalties for unlawful removal of signs. It is a Class 3 **misdemeanor** for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

(Ord. of 11-14-2013, § 17-354)

**TOWN OF ARCHER LODGE**  
**LIST OF ORDINANCE OFFENSES SUBJECT TO A FINE**  
**WHICH QUALIFIES AS A CLASS 3 MISDEMEANOR**  
**UNDER NORTH CAROLINA GENERAL STATUTE 14-4**  
**SESSION LAW 2018-69**  
**04-22-2019**

Charter

[Section 4](#) . Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a **fine** of \$ 50.00. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

**Sec. 2-109. - Model aircraft and unmanned aircraft on town property.**

(a)

Launch and/or recovery of model aircraft or unmanned aircraft is prohibited on all town owned property without specific written permission from the mayor or his designee, who may allow it for governmental purposes to include, but not be limited to, photography, so long as the operation of the model aircraft or unmanned aircraft is done in accordance with the requirements of the Federal Aviation Administration and North Carolina General Statutes.

(b)

For the purposes of this section, the term "model aircraft" means an aircraft including any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air, that is mechanically driven or launched into flight and that meets all of the following requirements:

(1)

Is flown for hobby or recreational purposes.

(2)

Is not used for payment, consideration, gratuity, or benefit, directly or indirectly charged, demanded, received, or collected, by any person for the use of the aircraft or any photographic or video image produced by the aircraft.

(c)

For the purposes of this section, the term "unmanned aircraft" means an aircraft including any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air that is operated without the possibility of human intervention from within or on the aircraft and that does not meet the definition of model aircraft.

(d)

Any violation of this section shall be punishable by a **fine** of not more than \$50.00.

(Ord. No. AL2016-06-2, § 1, 6-13-2016)

### **Sec. 6-113. - Violations; notice of violations. (Animal Control)**

(a)

Any person, firm or corporation who violates [section 6-31](#) or [6-33](#) or keeps, maintains or harbors an animal which has not been inoculated for rabies shall be **fined** in the amount of \$100.00 in addition to any other punishment or penalty provided for in this chapter. Further, the animal control officer shall take possession of the animal and the animal shall not be redeemed by the owner until the animal has been properly licensed and the violation corrected. An impounded animal shall be released only pursuant to the provisions set out in [section 6-59](#). Failure to comply with the vaccination requirement of [section 6-59](#) shall constitute a separate offense and subject the person, firm or corporation to an additional **fine** and impoundment of the animal.

(b)

If any provision of [section 6-31](#) or [6-33](#) is violated, in addition to any other punishment or penalty, the animal shall be taken by the animal control officer and destroyed in a humane manner. It shall also be unlawful for the person owning such destroyed animal to keep another animal in the town for a period of three years from the date of the violation.

(c)

Any person owning, having, or keeping any animal who shall violate the provisions of this chapter, shall be liable to an action in the name of the town in any court of competent jurisdiction for the penalty imposed by and required by this chapter. Members of the animal control division are authorized to cause a complaint to be filed against any person violating any of the provisions of this chapter and to cause an action to be brought against any person failing to pay any penalty required by the provisions of this chapter for the recovery of the penalty. Such action shall be cumulative and shall not be deemed as a bar to or a waiver of the right to institute any other civil or criminal proceeding for a violation of this chapter.

(d)

In discharging their duties under this chapter, members of the animal control division are authorized or empowered to present probable cause before a magistrate to any persons violating this chapter. Upon probable cause being found by a magistrate or court, a criminal

summons or citation may be issued against the violator, said summons or citation to be delivered by a member of the animal control division to the violator. The officer shall advise the violator of the charges against him and of the date and time he must appear in district court.

(e)

The animal control officer shall cause the records with respect to the notice forms and the disposition of the same to be so maintained that all such forms shall be capable of being accounted for. The town finance officer, or his representative, shall periodically investigate the records of the animal control division for the purpose of determining the disposition of the notice forms, and shall report the result of the investigation to the town council. For the purpose of making this investigation, he shall have access to the necessary records of the division. The finance officer's reports to the town council shall be public records.

(f)

If an alleged violator of any section of this chapter does not appear in response to the notice described in subsection (c) of this section at or before the day and hour named in the notice, the officer in charge of the records division of the animal control division shall send to the violator a notice informing him of the violation and warning him that he will be held responsible to appear in answer to the notice, and that in the event that the notice is disregarded for a period of five days from the date of mailing of this second notice, a complaint will be filed and a warrant of arrest issued. If a violator does not appear in response to the above described notices and citation, the animal control division shall forthwith have a complaint entered against such person and secure and issue a warrant for his arrest.

(Ord. No. AL2015-06-01, § 91.98, 6-8-2015)

## **Sec. 6-114. - Penalty.**

(a)

Unless a different **fine** or penalty is set out in a particular section of this chapter, a violation of any provision of this chapter shall subject the violator to the following schedule of civil penalties for notices of violation:

(1)

First notice of violation: \$25.00.

(2)

Second and subsequent notices of violation: \$75.00.

(b)

If a higher **fine** or penalty is set out in this section, the highest **fine** or penalty shall apply.

(Ord. No. AL2015-06-01, § 91.99, 6-8-2015; Ord. No. 2015-09-1, 9-14-2015)

### **Sec. 18-26. - Penalty. (nuisance)**

Unless a different **fine** or penalty is set out in a particular section of this article, a violation of any provision of this article shall subject the violator to the following schedule of civil penalties for notices of violation:

1)

First notice of violation: \$25.00.

(2)

Second and subsequent notices of violation: \$75.00.

(b)

If a higher **fine** or penalty is set out in this article, the higher **fine** or penalty shall apply.

(Ord. No. AL2017-03-1, § 7, 3-6-2017)

### **Sec. 27-67. - Penalty. (Junk car)**

Unless a different **fine** or penalty is set out in a particular section of this article, a violation of any provision of this article shall subject the violator to the following schedule of civil penalties for notices of violation:

First notice of violation: ..... \$25.00

Second and subsequent notices of violation: ..... \$75.00

If a higher **fine** or penalty is set out in this ordinance, the higher **fine** or penalty shall apply.

(Ord. No. [AL2017-07-1](#), Pt. 1(§ 17), 7-10-2017)